

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America
v.
Randolph Alexander Fitzgerald

Case No.

3:20-MJ-1082

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 19, 2020 in the county of Sevier in the
Eastern District of Tennessee, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 13 (TCA 39-14-402(a)(4))	Entering a Motor Vehicle Without Permission With Intent to Commit Theft
36 C.F.R. § 2.35(b)(2)	Unlawful Possession of a Controlled Substance
36 C.F.R. § 4.12	Roadway Markings-Left of Center
36 C.F.R. § 4.2(b) (TCA 55-50-504)	Driving While License Privilege Suspended

This criminal complaint is based on these facts:

See attached Affidavit of U.S. Park Ranger Matthew Tiger.

☒ Continued on the attached sheet.

Matthew P. Tiger

Complainant's signature

Matthew Tiger, U.S. Park Ranger

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/22/2020

Debra C. Poplin

Judge's signature

City and state: Knoxville, Tennessee

Debra C. Poplin, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Tiger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Law Enforcement Ranger with the National Park Service ("NPS").
2. I have been employed as a Ranger with the NPS since 2014. I am currently assigned as a Ranger with the NPS in the Great Smoky Mountains National Park (GSMNP) located in the Eastern District of Tennessee and elsewhere. I am tasked with investigating and enforcing a wide range of violations of state (Tennessee) and federal law, to include motor vehicle, property and other violations of federal and state criminal law. I am a graduate of Federal Law Enforcement Training Center. During my career, I have personally investigated violations of state and federal laws related to motor vehicle and controlled substance violations, as well as theft and other property crimes. I have received training on federal and state laws related to motor vehicle, property crimes, and controlled substances violations. I have personally participated in federal searches, seizures, and arrests related to state and federal violations of criminal activity occurring in the GSMNP.
3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. On May 19, 2020, at approximately 7:51 p.m., I received a report from the GSMNP dispatch of a motor vehicle break-in that occurred on Laurel Creek Road within the GSMNP. I called the reporting party, B.H., and spoke with her by phone. B.H. stated that she and her girlfriend, K.B., were collecting rocks inside a tunnel that goes under Laurel Creek Road. B.H. stated that as she, K.B., and her dog were walking back to their vehicle, she observed a white male wearing a grey hoodie grabbing things from inside the trunk of her 2010 blue Ford

Fusion. B.H. reported the male observed her and slammed the trunk shut then left the area driving a grey Honda Accord ("Suspect Vehicle") heading eastbound from the Lead Cove Trailhead on Laurel Creek Road. B.H. stated that she threw rocks at the Suspect Vehicle as it left, causing damage to the passenger-side, rear door and window area. B.H. stated she observed her vehicle "trashed" as she entered the vehicle. B.H. stated that her things were thrown all over the place in the passenger compartment, not just the trunk. B.H. stated she was missing a set of Air Pods (valuing approximately \$160) and approximately \$130.00 cash from the vehicle. B.H. stated she drove down to Townsend, TN where she could get cell phone service to report the incident. B.H. also gave further description of the suspect on the phone stating she thought the suspect had long blonde shaggy hair and was wearing a flat-billed ball cap with no facial hair.

5. I provided a description of the Suspect Vehicle to GSMNP Ranger Jeff Duckett via radio and asked him to check Little River Road for a vehicle matching the description. At approximately 8:15 p.m. Ranger Duckett stated he just saw what appeared to be the Suspect Vehicle pass him traveling eastbound on Little River Road. Ranger Duckett stated he turned around and followed the vehicle as it turned south on Highway 441.

6. Ranger Duckett made a traffic stop at mile marker 4 on Highway 441 after observing the vehicle cross over the centerline with the front left tire while in a curve. Ranger Duckett stated that the driver matched the description of the suspect, and there were no other passengers in the vehicle. Ranger Duckett further stated that he observed a grey hoodie located on the front passenger seat. There was also damage near the passenger-side door that appeared to be made by small hard objects. The timeframe from when the burglary occurred to the time when Ranger Duckett observed the vehicle on Little River Road was consistent with the time it would typically take to drive between the locations.

7. Ranger Ryan Howell arrived on scene and was given consent by the driver, later identified as Randolph FITZGERALD, to frisk him for weapons. Ranger Howell discovered a rubber cylinder ball and \$101.00 cash in denominations of \$20 and \$5 dollar bills in FITZGERALD's front right pocket. Ranger Howell stated that FITZGERALD admitted the rubber ball contained Hash Oil and that additional roaches (partially burnt marijuana cigarettes) and a pipe were located in the center console of the vehicle.

8. GSMNP dispatch stated that FITZGERALD had a suspended driver's license through the Tennessee Information Enforcement System and an active warrant out of Sevier County for violating conditions of his sentence of 8 years with the ETHRA Community Corrections program. FITZGERALD was placed in custody at approximately 8:37 p.m. and transported to the Sevier County Jail by Ranger Duckett. The Honda Accord was towed to the Little River Impound Lot and secured. For officer safety, an inventory of the Suspect Vehicle was not conducted at this time due to FITZGERALD stating he felt warm and had a cough that were possibly associated with COVID-19 symptoms.

9. At approximately 9:16 p.m., I met with the reporting party B.H. and K.B. at the parking lot of the Townsend IGA grocery store. Ranger Howell sent me a picture of FITZGERALD for identification purposes. After seeing the photo of FITZGERALD, B.H. immediately identified FITZGERALD as the person she observed breaking in her vehicle. B.H. advised that 5-6 fishing poles were also missing from her vehicle while speaking with her at the IGA parking lot, and she also stated that the cash missing was in \$20 and \$5 dollar bills.

10. On May 20, 2020, at approximately 4:00 p.m., Rangers Howell and Duckett performed a consent search of the Suspect Vehicle. The registered owner of the vehicle, later identified as Stacie BUSS, confirmed the vehicle belonged to her and that FITZGERALD was her son. BUSS granted full consent by phone after consulting with her attorney. The search

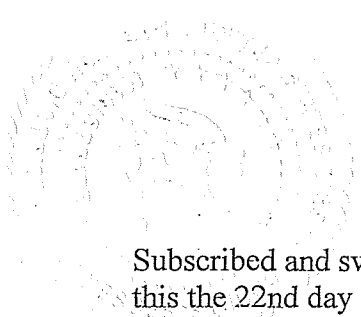
revealed a Smith & Wesson, M&P Bodyguard 380 semi-automatic pistol (Serial# KDZ5218) under the driver's seat with 5 rounds of ammunition in the magazine. A Criminal Record of FITZGERALD showed two prior felony convictions.

11. Cash in the amount of \$538.00 was located in FITZGERALD's wallet. Air pods, a large amount of change, 3.7 grams of suspected partially burnt marijuana cigarettes, and several identification cards were located in the Suspect Vehicle.

CONCLUSION

12. Based on the foregoing, I respectfully submit that there is probable cause to believe that FITZGERALD has violated Title 18, United States Code, Section 13, TCA 39-14-402(a)(4)- Entering a motor vehicle without permission with intent to commit theft, 36 CFR 2.35(b)(2)- Unlawful Possession of a controlled substance, 36 CFR 4.12- Roadway Markings- Left of Center, and 36 CFR 4.2(b)TCA 55-50-504- Driving while license privilege suspended.

13. This Affiant respectfully asks for the issuance of an arrest warrant for Randolph Alexander FITZGERALD.


Matthew P. Tiger
Matthew P. Tiger
Law Enforcement Ranger
National Park Service

Subscribed and sworn to before me
this the 22nd day of May, 2020.


HON. DEBRA C. POPLIN
UNITED STATES MAGISTRATE JUDGE